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Rezin E. Chaney will

} Probate

} Dated: June 13, 1929

DeKalb Circuit court of

Indiana Probate Order Book

DD page 470

Comes now Deloss H. White who presents for probate an instrument in writing purporting to be the last will and testament of Rezin E. Chaney deceased. It being represented to the court that James E. Pomeroy and James W. Sheffer the subscribing witnesses to said will are both deceased, the handwriting and signatures of said witnesses to said will are proven by the testimony of Mabel M. Kain. The soundness of mind and competency of the testator Rezin E. Chaney to execute said will is proven by the testimony of Simeon H. Maurer. It is therefore considered, adjudged and decreed by the court that said will be and the same is hereby admitted to probate in the DeKalb circuit court and the same is hereby declared to be the last will and testament of Rezin E. Chaney deceased. The testimony of the witnesses Mabel M. Kain and Simeon H. Maurer is ordered reduced to writing and subscribed and sworn to by said witnesses and attached to said will. The clerk of this court is ordered to attach his certificate of probate thereto and said will, written sworn testimony of said witnesses and certificate of probate are ordered spread upon the will records of this court and are in these words:

Allen County Public Library
900 Webster Street
PO Box 2270
Fort Wayne, IN 46801-2270

ALLEN COUNTY PUBLIC LIBRARY
3 1833 01291 3114

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WILL OF REZIN E. CHANEY

I, Rezin E. Chaney now a resident of Spencer township, DeKalb county state of Indiana do hereby make and publish this my last will and testament hereby expressly revoking all prior wills and testamentary bequests heretofore by me made.

First: It is my will that all my just debts and funeral expenses shall be first paid.

Second: I hereby direct that my executor shall cause to be erected at my grave and the grave of my wife suitable monument, with proper inscription as he may elect; said monument to cost three hundred dollars.

Third: I give will and bequeath to my wife Nancy E. Chaney all my property real, personal and mixed, of every kind and character, she to have and to hold for and during her natural life, and the income therefrom. It is my purpose that my wife shall be maintained in the same comfort and environments that would have been my desire and purpose should I have lived to survive her; and in case the net income from my estate shall not be sufficient to so maintain her, I hereby direct that my executor shall sell enough of my real estate not otherwise specifically disposed of under order of court to so maintain and support her and pay her funeral expenses and expenses of last sickness in case she shall not have sufficient property of her own estate to meet such expenditures.

Fourth: After the death of my wife, I give, will and bequeath to my brother, Milton H. Chaney and Jennie Chaney his wife, all my real estate owned as tenants in common with my said brother and my said brother and wife they to have and to hold the income therefrom for and during their natural lives or the life of the survivor of them.

Fifth: After the death of my wife, I give, will and bequeath to my foster daughter Ada F. White the four acres of land and now occupied by me and my wife as our home in Spencer township adjoining the line of the platted town of Spenceryille and heretofore purchased by me in divers tracts and conveyances from Albert Dawson, Milton H. Chaney, John Baltz, Samuel Shutt and John Henderson; my said foster daughter to have and to hold said real estate in fee simple and absolute.

Sixth: After the death of my said wife and subject to the first five items of this my will, I give, will and bequeath to my foster daughter Ada F. White the sum of four thousand dollars which bequest is made a charge and first lien upon the residue of my real estate.

Seventh: Subject to the terms and conditions of the first six items of this my will I give will and bequeath the undivided two thirds of the residue of my estate, real, personal and mixed of every kind and character to my three brothers Elmer N. Chaney, George W. Chaney and Phillip C. Chaney they to have and to hold the same in fee simple and absolute share and share alike.

Eighth: Subject to the first six items of this my will I give, will and bequeath the undivided one third of the residue of my estate real, personal and mixed of every kind and character to my brothers in law and sister in law, John H. Scott, William J. Scott, Charles A. Scott and Mattie Belle Cope they to have and to hold the same in fee simple and absolute share and share alike.

Ninth: I hereby nominate and appoint Deloss H. White the husband of my foster daughter Ada F. White executor of this my will.

In Testimony Whereof I have hereunto subscribed my name and caused my seal to be affixed at Auburn Indiana this seventh day of October A D 1921.

Rezin E. Chaney

Before us the undersigned, subscribing witnesses this seventh day of October 1921 personally appeared the above named testator Rezin E. Chaney who in our presence subscribed to the above and foregoing instrument consisting of items from first to ninth both inclusive in our presence and he then and there declared the same to be his last will and testament, and we then and there at his request and in his presence and in the presence of each other subscribed our names as attesting witnesses.

James E. Pomeroy: James W. Sheffer.

Witnesses.

Testimony of Mabel M. Kain

Mabel M. Kain being first duly sworn upon her oath deposes and says:

Examination by Oak Husselman counsel for
Proponent Deloss H. White.

Q. You may state your name to the court?

A. Mabel M. Kain.

Q. Where do you live?

A. Auburn Indiana

Q. Were you acquainted with James E. Pomeroy and James W. Sheffer?
A. I was.

Q. Are either James E. Pomeroy or James W. Sheffer living at this time?

A. They are not.

Q. Were you employed in the law office of James E. Pomeroy at any time?

A. I was.

Q. How many years ago was that?

A. About three years, at two different times.

Q. Was James W. Sheffer a client of James E. Pomeroy and did he frequently come to Mr. Pomeroy's office during the time that you worked there?

A. Yes sir.

Q. Are you acquainted with the signature of both James E. Pomeroy and James W. Sheffer?

A. Yes sir.

Q. I hand you an instrument purporting to be the last will and testament of Rezin E. Chaney and ask you if the signatures of the attesting witnesses thereto are the signatures of James E. Pomeroy and James W. Sheffer both now deceased?

A. They are.

Mabel M. Kain

Subscribed and sworn to before me this 13th day of June 1929.

Glenn Potter clerk of DeKalb circuit
court

(seal)

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State of Indiana county of DeKalb ss;

In the DeKalb circuit court

April term 1929

In the matter of the probate of the
last will and testament of Rezin E.

Chaney deceased.,

Simeon H. Maurer being first duly sworn upon his oath deposes
and says:

Examination by Oak Husselman, counsel for

Proponent Deloss H. White.

Q. You may state your name to the court.

A. Simeon H. Maurer

Q. Where do you reside?

A. Auburn.

Q. DeKalb county?

A. DeKalb county.

Q. I hand you an instrument purporting to be the last will and testament of Rezin E. Chaney and ask you if you were acquainted with Rezin E. Chaney during his life time?

A. Oh Yes.

Q. Did you know Rezin E. Chaney on October 7th 1921?

A. Yes.

Q. In your opinion was Rezin E. Chaney on October 7th 1921 a person of sound mind and competent to make a will?

A. He was.

Q. Is he now deceased?

A. Yes.

Simeon H. Maurer

Subscribed and sworn to before me this 13th day of June 1929.

Glenn Potter clerk of DeKalb circuit court

(seal)

State of Indiana DeKalb county ss: I, Glenn Potter clerk of the DeKalb circuit court of said state do hereby certify that the annexed will and testament of Rezin E. Chaney has been duly admitted to probate in said county and proven by the testimony of Mabel M. Kain who testified as to the handwriting of the subscribing witnesses thereto and that a complete record of said will and the proof thereof has been recorded in Book No. 7 at pages 582 & 583 of the record of wills of said county.

In Attestation Whereof I hereunto subscribe my name and
affix the seal of said court at Auburn Indiana in said court this
13 th day of June 1929.

Glenn Potter clerk DeKalb circuit court

(seal)

Rezin E. Chaney estate)	Application--Appointment
)	
DeLoss H. White, executor)	Dated: May 3, 1930
		DeKalb circuit court of Ind
		Probate Order Book EE pg.154

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Comes now DeLoss H. White named in the will of decedent as executor thereof and files and presents his application for letters testamentary of said estate. Said application is in these words:

APPLICATION FOR LETTERS OF ADMINISTRATION
WITH WILL ANNEXED, TESTAMENTARY

State of Indiana DeKalb county ss;

DeLoss H. White being duly sworn upon his oath says that Rezen Chaney departed this life testate at Spencerville in DeKalb county Indiana on the 4 day of August 1925 leaving a last will and testament to his knowledge and belief; that said decedent was at or immediately previous to his death a resident of DeKalb county Indiana and that he left a personal estate of the probable value of three hundred dollars and real estate of the estimated value of. . . . dollars and that said decedent left surviving him as his sole and only heirs at law as far as known to the affiant as follows:-

Nancy E. Chaney	Adult	Widow	Spencebville Ind.
Milton H. Chaney	"	Bro	"
Jennie Chaney	"	Sister in law	"
Ada F. White	"	Foster dau	Auburn Ind
Elmer N. Chaney	"	Brother	Elkhart Ind
Geo. W. Chaney	"	"	Auburn Ind

Phillip C. Chaney	Adult	Brother	Spencerville Ind.,
John H. Scott	"	Bro in law	Auburn Ind
Wm. J. Scott	"	Bro in law	Auburn Ind.,
Morris Scott Andrews	10	Nephew	Stroh Ind.,
Mattie Belle Cope	adult	Sister in law	Angola Ind.,

Therefore your affiant asks that letters testamentary of the estate of said decedent be granted to DeLoss H. White of Auburn Ind in DeKalb county Indiana.

DeLoss H. White

Subscribed and sworn to before me this 3 day of May 1930.

Oak Husselman notary public

(seal) My com exp May 9, 1931.

He also files his bond in the amount of \$600.00 with Otto D. Sherer and Geo. A. Henderson as sureties thereon. Said bond is now by the court examined and approved and is in these words:

Know all men that we DeLoss H. White and Otto D. Sherer and George A. Henderson are bound unto the State of Indiana in the penal sum of six hundred and no/100 dollars for the payment of which we jointly and severally bind ourselves our heirs, executors and administrators. Sealed and dated this the 3 day of May 1930.

The condition of the above obligation is that if the above bound DeLoss H. White shall faithfully discharge the duties of his trust as executor of the last will of Rezin E. Chaney deceased according to law then the above obligation is to be void else to remain in full force.

DeLoss H. White
Otto D. Sherer
George A. Henderson

Approved by me the 3rd day of May 1930. Wm. P. Endicott Judge.

It is therefore considered, adjudged and decreed by the court that letters testamentary issue to DeLoss H. White as executor of the last will and testament of Rezin E. Chaney Deceased.

NOTICE OF APPOINTMENT OF
EXECUTOR

State of Indiana DeKalb county ss:

I, Glenn Potter Clerk of the circuit court for the county of DeKalb state of Indiana do hereby certify that DeLoss H. White has been appointed executor of the last will and testament of Rezin Chaney late of DeKalb county who died testate and the said DeLoss H. White having qualified and given bond as such executor is duly authorized to take upon himself the execution of said will
Witness my hand and seal of said court this 3rd day of May 1930

Glenn Potter Clerk of the DeKalb
Circuit court

(seal)

Atkinson & Husselman attorneys.

Proof Of Publication

State of Indiana DeKalb County ss;

Personally appeared before me C B Hamilton Editor and Manager of The Auburn Courier a weekly newspaper of general circulation printed and published in Auburn DeKalb county Indiana being duly sworn upon oath says that the notice of which the attached is a true copy was duly published in said newspaper for 3 successive weeks the first publication being on the 6 day of May 1930, second on the 13 day of May 1930, third on the 20 day of May 1930.

C. B. Hamilton Editor and Manager of the
Auburn Courier.

Subscribed and sworn to before me this 20 day of May 1930.

Hazel F. Pfefferl

Notary public

(seal) My com expires April 15, 1931

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Rezin E. Chaney estate)	Inheritance tax
DeLoss H. White executor		Dated: Aug., 1, 1931
		DeKalb circuit court of Ind
		Probate Order Book
		EE page 515

Comes now the executor herein by counsel Atkinson & Husselman and files and presents his petition praying for a determination of the amount of the inheritance tax due from this estate and further showing a net estate of \$. . . . Said petition is in these words:

SCHEDULE OF ALL PROPERTY AND AFFIDAVIT
OF EXECUTOR OR ADMINISTRATOR TRUSTEES OR HEIRS FOR
INHERITANCE TAX APPRAISEMENT.

State of Indiana County of DeKalb ss;

In the matter of the estate of Rezin Chaney deceased.,

DeLoss H. White of Auburn Indiana being first duly sworn deposes and says that he is executor of the above named decedent and that said decedent died a resident of DeKalb county state of Indiana on the 4 day of August A D 1925. Leaving a last will and testament two copies of which are attached immediately following Schedule E which was duly admitted to probate by the DeKalb circuit court of the county of DeKalb state of Indiana on the. . . . day of. . . . A. D. and for the contest of which will no proceeding is now pending or contemplated by

anyone to the knowledge information or belief of this affiant except such as may be referred to and particularly described on the back of this sheet or upon additional sheet inserted immediately following this sheet; and with respect to which will no written renunciation has been filed by the widow or surviving husband if any and no such renunciation is contemplated to the knowledge information or belief of this affiant except as stated on the back of this sheet or upon additional sheet inserted immediately following this sheet.

And that letters testamentary of administration were granted by the circuit court of the county of DeKalb state of Indiana on the 3rd day of May A D 1930 to this affiant.

SCHEDULE A--Transfers by will or
intestate law.

Schedule A-1 real estate.

The undivided one half of the north 66 acres of the southeast quarter of section 4 in Springfield township Allen county Ind. Also 11 acres in section 3 in said Springfield township being the north $16\frac{1}{2}$ chains of the west one half of the southwest $\frac{1}{4}$ west of road \$900.00

The undivided one half of:- commencing at the southwest corner of the west half of the northeast $\frac{1}{4}$ of section 33 township 33 north range 14 east; thence north to St. Joe River; thence northeasterly along the east banks to center of east end of 7th bridge across said river; thence east along center of highway to east line of said west half of said northeast $\frac{1}{4}$ section 33; thence south to the $\frac{1}{2}$ section line; thence west to the place of beginning containing 59 acres more or less, DeKalb county Indiana \$1950.00

The undivided one half of the east half of the northeast $\frac{1}{4}$ of section 20 township 33 north range 14 east excepting therefrom 4.89 acres formerly sold to Wabash R. R. Company containing 75.11 acres more or less, DeKalb county Indiana \$ 700.00

The undivided one half of the southeast fraction of the south west quarter of section 33 township 33 north range 14 east except 33 acres off the west side containing 60.50 acres \$1830.00

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In southwest corner Northwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ section 33 township 33 north range 14 east containing 2.50 acres DeKalb county Indiana \$1520.00

North part of northwest quarter section 33 township 33 north range 14 east DeKalb county Indiana containing .84 acre \$ 90.00

In northwest corner northwest quarter northwest quarter section 33 township 33 north range 14 east DeKalb county Indiana containing .70 acre \$ 300.00

Total \$ 7290.00

SCHEDULE A-3 Chattel property

Total

\$100.00

SCHEDULE B-3--Joint tenancies

Undivided $\frac{1}{4}$ East $\frac{1}{2}$ Northeast $\frac{1}{4}$ Sec., 31 Twp 33 North range 14 E., DeKalb county Indiana 24 80 \$1400.00 - 145

SCHEDULE C--Recapitulation

Total value schedule A-1 Real estate \$7290.00
Total value schedule A-3 chattel property 100.00
Total value schedule A 7390.00
Total amount Schedule D., (debts etc) 300.00
Net estate 7090.00

Total value schedule B-3 joint tenancies 1400.00
Grant Total net estate and schedule B 8490.00

SCHEDULE D--deductions

Total

\$300.00

SCHEDULE E--persons beneficially interested in this estate.

Nancy E. Chaney, Spencer ville Ind., widow	2633.36	none	exemption
Milton H. Chaney " sister in law	172.37	100.00	
Jennie Chaney " sister in law	Net taxable value	72.37	
Ada F. White Auburn Ind Foster dau	3923.74	2000.00	
Elmer N. Chaney Elkhart Ind., Bro.	Net taxable val.	1920.74	
Geo. W. Chaney Auburn Ind Bro.	176.62	500.00	
Phillip C. Chaney Spencer ville Ind "	176.61	500.00	
John H. Scott Auburn Ind, Bro in law	66.24	500.00	
Wm. J. Scott Auburn Ind., "	66.23	500.00	
Morris Scott Andrews, Stroh Ind nephew	66.23	500.00	
Mattie Belle Cope Angola Ind Sister in law	66.23	500.00	

DeLoss H. White

Subscribed and sworn to before me this 1 day of August 1931
Oak Husselman notary public

(seal) My com expires May 26, 1935

And upon being heard the court grants the prayer thereof and the court now sets September 7th 1931 the same being the 1st judicial day of the September 1931 term of the DeKalb circuit court for the hearing of such inheritance tax determination and the clerk of this court is directed to notify all known to be concerned.

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Rezin E. Chaney estate

No.3428
Inheritance tax

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)
)

DeKalb circuit court of Ind

Probate Order Book EE pg.328

Comes now the executor herein by counsel Atkinson & Husselman and the court finds that due notice of the hearing for the determination of the amount of the inheritance tax due from this estate has been given by the mailing of such notice to all known to be concerned. Hearing is now had and the court being sufficiently advised in the premises now makes an order determining such tax to be due from this estate in the amount of \$22.86 which order is signed by the Judge and filed with the clerk and is in these words:

ORDER DETERMINING VALUE OF ESTATE OF
AMOUNT OF TAX ETC.,

In the circuit court County of DeKalb State of Indiana
In the matter of the estate of)
Rezin E. Chaney, deceased) At the September term 1931

The matter of determining the value of the property of said decedent and the tax imposed by the inheritance and transfer tax laws upon the transfer thereof coming on to be heard at this time pursuant to notice given on the 12 . day of August 1931 to all persons interested including the State Board of

Tax Commissioners and the County treasurer; And it appearing that the inventory and report of Deloss H. White administrator has heretofore been duly filed herein and that said deceased died on or about the . . . day of 193. . . .

And having taken testimony and considered the inventory, appraisal, report and the whole record herein and having heard all parties desiring a hearing and being fully advised in the premises the court finds and determines that the clear market value of the property of the said decedent subject to and within the jurisdiction of the laws of this state is as follows:-

Value of personal property gross	\$100.00
Value of real property, gross	8690.00
Total gross value of estate	8790.00
Deductions, debts	300.00
Total net value of estate	8490.00

And the court further finds and determines that the proportions and amounts of the property of the decedent transferred, the names and relationship of the persons beneficially entitled to receive the same the rates and amounts of tax for which they are liable are as follows:-

	exemption	Tax
Nancy E. Chaney	widow	\$2633.36
Milton H. Chaney	Bro	none
Jennie Chaney	Sisterinlaw	172.37
Ada F. White	Foster dau	3923.74
Elmer M. Chaney	Bro	176.62
George W. Chaney	"	176.61
Phillip E. Chaney	"	176.61
John M. Scott	Bro in law	66.24
Wm. J. Scott	"	66.23
Morris Scott-Andrews nephew	"	66.23
Mattie Belle Cope	Sisterinlaw	66.23
Total tax		22.86

WHEREFORE it is ordered that Deloss H. White or said persons pay and deliver to the county treasurer as and for the tax imposed by the acts in relation to the taxable transfers of property the proportions and amounts as above set forth. Such tax shall be a lien upon the several items of personal property described in the schedule for determination and the appraisers report and the following real estate:-

By the court: Wm. P. Endicott Judge.,

Dated: Sept., 14, 1931

Notice is ordered to all concerned.

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Rezin E. Chaney estate

) Report

) Dated: Sept., 15, 1931

DeKalb circuit court of Indiana

Probate Order Book EE page 528

Comes now the executor herein and presents his partial report showing that all funds received have been expended. Said report is in these words(hi)(not abstracted).

And is by the court examined and approved and said estate is now ordered off the court docket during the lifetime of Nancy E. Chaney widow of decedent.

*Inheritance tax receipt No. 17869 in the office of the treasurer of DeKalb county Indiana shows inheritance tax in the sum of \$22.86 plus \$14.00 interest or \$36.86 to have been paid on the above estate on September 14, 1931.

(Note: the above mentioned partial report shows the receipt of the sum of \$300.00 from Nancy E. Chaney and the receipt of no other money nor property. It shows the expenditure of the entire sum to defray the indebtedness and costs of the estate.)

(The following costs are taxed to said estate at Fee Book 13 Page 228:-

Probating will	\$5.00)	
Service fee	6.00)	
Inheritance tax deter.	3.00)	These costs are shown paid
Pub. notice of app't	6.24)	by Deloss White, Executor,
total	\$20.24)	May 23, 1931

State of Indiana DeKalb county ss;

In the DeKalb Circuit court

April term 1930

Deloss H. White executor of the
will of Rezin E. Chaney deceased

vs

Nancy E. Chaney

The plaintiff complains of the defendant and for cause of action alleges that he is the duly appointed qualified and acting executor of the last will and testament of Rezin E. Chaney deceased. That the defendant has in her possession the sum of three thousand five hundred fifty dollars, the same being property belonging to the estate of said Rezin E. Chaney deceased and being money had and received by said defendant and now in her possession without right. That this plaintiff has made demand upon said defendant for said property and that the defendant has refused to deliver the same to plaintiff.

Wherefore plaintiff demands judgment against the defendant for three thousand five hundred fifty dollars and the costs of this action made and taxed at. . . . dollars.

Atkinson & Husselman attys for Pltff.

"Clerk will please issue summons for defendant to Sheriff of DeKalb county Indiana returnable May 20, 1930."

Filed: May 6, 1930.

Summons:

State of Indiana DeKalb county ss:

The state of Indiana to the sheriff of DeKalb county greetings:
You are hereby commanded to summon Nancy E. Chaney to appear in the DeKalb circuit court before the Judge thereof on the 20th day of May 1930 the same being the 38th judicial day of the April 1930 term of said court at the court house in Auburn in said county to answer the complaint of Deloss H. White executor of will of Rezin E. Chaney deceased for money had and received and of this writ make due return.

Witness Glenn Potter clerk of said court and the seal thereof hereunto affixed at Auburn this 6th day of May 1930.

Glenn Potter clerk

(seal)

This writ came to hand this 6th day of May 1930.

Served the same by leaving a true and certified copy of same at last and usual place of residence of the within named.

Not served by order of plaintiff's attorney.

John C. Armstrong sheriff.

Filed: May 12, 1930.

15402

Deloss H. White executor of
the will of Rezin E. Chaney
deceased

} Money had and received
}
} Dated: April 10, 1930

vs

DeKalb circuit court of Ind

Nancy E. Chaney

Civil Order Book 61 page 247

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Comes now the defendant herein and appears by counsel Stump &
McClintock and files answer in two paragraphs in these words:

State of Indiana DeKalb county ss;

In the DeKalb Circuit Court

Delos H. White executor of the will
of Rezin E. Chaney deceased

vs

Nancy E. Chaney

Comes now the defendant Nancy E. Chaney and for answer to the
plaintiff's complaint herein denies each and every allegation
therein contained.

Stump & McClintock attorneys for defendant.

Filed: May 10, 1930.

State of Indiana DeKalb county ss:

In the DeKalb circuit court

Aprilterm 1930

Deloss H. White executor of the
will of Rezin E. Chaney deceased

vs

Nancy E. Chaney

Comes now Nancy E. Chaney and for second paragraph of answer
to the plaintiffs complaint alleges that she is the widow of
Rezin E. Chaney deceased and alleges that said Rezin E. Chaney

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died on the 5th day of August, ¹⁹³⁵~~1928~~ testate and a resident of DeKalb county Indiana; that said last will and testament was not probated in the DeKalb circuit court of Indiana until the . . . day of . . . 1929; that by the provisions of the will of said Rezin E. Chaney a copy of which is attached hereto and made a part hereof and marked exhibit A., this defendant ~~was~~ willed certain rights as therein set forth in all of the real estate and personal property of said decedent. That during the interim between the death of said Rezin E. Chaney and the probating of his said will, this defendant having no knowledge of the contents of provisions of said will, conveyed the following described real estate in Allen county state of Indiana to wit:- north 66 acres of southeast ~~one~~ fourth of section 4 in Springfield Twp. Also 11 acres in section 3 in said Springfield township being the north $16\frac{1}{2}$ chains of the west one half of the southwest one fourth west of road, to Raymond U. Bowser and conveyed the following described real estate in DeKalb county state of Indiana to wit: commencing at the southwest corner of the west one half of the northeast quarter of section 33 township 33 north range 14 east thence north to St. Joe river; thence northeasterly along east banks to center of east end 7th bridge across said river; thence east along center of highway to east line of said west one half of said northeast $\frac{1}{4}$ section 33; thence south to the $\frac{1}{2}$ section line; thence west to the place of beginning containing 59 acres more or less. To F. L. Butler and D. B. Butler and conveyed the following described real estate in DeKalb county state of Indiana to wit: the east $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 20 township 33 north range 14 east excepting therefrom 4.89 acres formerly sold to Wabash R. R. company containing 75.11 acres more or less to Ida Mary Herrick, this defendant having made all of said conveyances as the sole and only heir at law and without the knowledge of the contents of said will of said Rezin E. Chaney.

This defendant would further show that she received from Raymond U. Bowser as consideration for her conveyance of said land to him the sum of nine hundred dollars, that she received from F. L. Butler and D. B. Butler as consideration for the conveyance of said real estate to them the sum of one thousand nine hundred fifty dollars. That she received from the said Ida Mary Herrick in consideration of the conveyance of the said real estate to her the sum of seven hundred dollars. This defendant would further show to the court that she has in her possession at the present time the sum of three thousand five hundred fifty dollars being the total amount received by her from said conveyances, that by the terms of said will she was devised certain rights in the said tracts of land; that the said sum of three thousand five hundred fifty dollars was a fair value for the interests of said Rezin E. Chaney in said tracts of land. The defendant further alleges that the debts and expenses of the estate of Rezin E. Chaney amount to only three hundred dollars. That by reason of the provisions of said will this defendant alleges that she is entitled to hold said proceeds derived from the sale of said lands in her own possession and for her use during the remainder of her natural life, excepting only the said sum of three hundred dollars to be used for the payment of said debts and expenses of said estate. Wherefore said defendant prays for judgment and costs of this action.

Stump & McClintock

Attys for deft.

Filed: May 10, 1930.

Comes now the plaintiff herein and files reply in general denial to the second paragraph of answer in these words: (not on file)

This cause being at issue is now submitted to the court for trial and after hearing the evidence and being duly advised in the premises the court finds that the defendant Nancy E. Chaney has in her possession the sum of \$3550.00 derived from the sale of lands of Rezin E. Chaney deceased described in defendant's second paragraph of answer. That under the provisions of the will of said Rezin E. Chaney deceased set out in said second paragraph of answer, the said defendant is entitled to keep the said proceeds of the sale of said land in her own possession for her own use and benefit during the balance of her natural life except that she shall pay to the plaintiff the sum of \$300.00 thereof to be used in paying the debts and expenses of said estate of Rezin E. Chaney deceased which said debts and expenses of said estate the court now finds to be \$300.00. That said defendant shall have the right to expend so much of the said funds remaining in her hands as may be necessary for her care and maintenance during the balance of her natural life and at the death of said Nancy E. Chaney any balance of said fund then remaining in her possession shall go to and be the property of the estate of said Rezin E. Chaney deceased and be subject to the provisions of said will.

It is therefore considered, adjudged and decreed by the court that the defendant Nancy E. Chaney has in her possession the sum of \$3550.00 derived from the sale of the following described real estate in Allen county state of Indiana. North 66 acres of southeast $\frac{1}{4}$ of sec., 4 in Springfield township, also 11 acres in Section 3 in said Springfield township being north $16\frac{1}{2}$ chains of the west $\frac{1}{2}$ of the southwest $\frac{1}{2}$ west of road. And

And the following described real estate in DeKalb county state of Indiana: commencing at the southwest corner of the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 33 township 33 north range 14 east thence north to St. Joe river; thence northeasterly along east bank to center of east end bridge across said river; thence east along center of highway to east line of said west $\frac{1}{2}$ of said northeast $\frac{1}{4}$ of section 33; thence south to the $\frac{1}{2}$ section line; thence west to the place of beginning containing 59 acres more or less and the east $\frac{1}{2}$ of the north east $\frac{1}{4}$ of section 20 township 33 north range 14 east excepting therefrom 4.89 acres formerly sold to the Wabash Railroad company containing 75.11 acres more or less, which real estate belonged to Rezin E. Chaney deceased at the time of his death ; that by the provisions of the will of said Rezin E. Chaney deceased the defendant is entitled to hold and keep in her own possession the said fund except that she is hereby ordered to pay to the plaintiff the sum of \$300.00 of said fund to be used by the plaintiff in defraying the debts and expenses of the estate of said Rezin E. Chaney deceased. That the defendant is entitled to use so much of said fund as may be necessary for her care and maintenance during the balance of her natural life and that at her death any balance of said fund then remaining shall belong to and be the property of the estate of said Rezin E. Chaney deceased and subject to the provisions of said will.

That plaintiff pay the costs of this action made and taxed at

\$

Fee book 21 page 171 in the office of the Clerk of the DeKalb Circuit court of Indiana shows costs paid in the sum of \$6.50 in above entitled case.

C E R T I F I C A T E

We hereby certify that the foregoing transcript contains full, true and correct abstract copies of the Order book entries pertaining to the Probate of the will, application and appointment inheritance tax determination and entry ordering estate off the docket, together with the original papers in connection therewith. Also order book entries and original papers in case of Deloss H. White executor of will of Rezin E. Chaney deceased vs Nancy E. Chaney, all as the same appear of record in the office of the Clerk of the DeKalb Circuit Court of Indiana in the matter of the estate of Rezin E. Chaney deceased. This transcript contains 23 pages numbered from 1 to 33, inclusive

Dated: April 29, 1941

DeKalb Abstract & Title Co

By *Robb Hunselman*
President.

action who are married, the names of all of whom are unknown to the plaintiffs, All persons and corporations who assert or might assert any title, claim or interest in or lien upon the real estate described in this complaint by, under or through any of the defendants to this action, the names of whom are unknown to plaintiffs,

ADA F. WHITE
ILENE CHANEY
AUGUSTINE CHANEY
OMA CHANEY BECK
JANE CHANEY
PHILIP CHANEY
ETHEL W. NELAND
GALE RUGMAN
WILLIAM J. SCOTT
MORRIS SCOTT ANDERS
CRATE COPE
GUY COPE
MELBA COPE

The plaintiffs complain of the defendants and each of them and allege:

1. That the plaintiffs are the owners in fee simple and in possession of and entitled to the possession of the following described real estate situated in Allen County, State of Indiana, to-wit:

That Part of Sections 3 and 4, Township 32 North, Range 14 East, described as follows: Commencing at the Northwest corner of the Southeast quarter of Section 4 in Township 32 North of Range 14 East, thence East on the half Section line 198 rods to the center of the road known as the Fort Wayne Road; thence a South Westerly course in the center of said road 67.6 $\frac{1}{10}$ rods; thence West 181 rods to the half section line; thence North 65 $\frac{1}{2}$ rods to the place of beginning, containing 77 acres of land, be the same more or less.

2. The plaintiffs further allege that there are breaks and hiatuses in the record title of said real estate. That there exists certain defects or apparent defects in said title to the real estate which cast a cloud thereon, appearing in matters of record affecting the title to said real estate and that it does not appear of record that certain of said parties who were grantors of said real estate were unmarried at the time of executing deeds pertaining to said real estate. That the said defendants and each of them are claiming an interest in said real estate and are asserting and attempting to assert and claim title to the same and which said interest so claimed by the defendants and each of them are each and all adverse to plaintiffs' claim, right,

title and interest in and to said real estate; that the claims of said defendants and each of them are each and all unfounded and without right but they are a cloud upon plaintiffs' title to said real estate.

3. Plaintiffs further aver that they assert title to said real estate absolutely and in fee simple as against any and all persons, firms and corporations whomsoever and that their purpose in this action is to quiet title to said real estate as against all of the defendants hereto and as against the world and that the plaintiffs have named and designated the defendants to this action all persons, firms and corporations within their knowledge through whom any hostile claim to said real estate or any part thereof might be asserted.

WHEREFORE, the plaintiffs pray the court that they be adjudged the owners absolutely and in fee simple of all of the above described real estate and that their title thereto be forever quieted and set at rest as against all of the defendants to this action and as against each and all persons and claimants whomsoever and as against the world and that their title to said real estate be forever quieted as against all of said defendants and as against the world and for all proper relief.

Edgar N. Atkinson

William N. Ballou

ATTORNEYS FOR PLAINTIFFS

Clerk will please issue writs returnable July 21, 1941.

Clerk's office

F I L E D

JUN 24 1941

Dorothy Gardner

Clerk

FILED

JAN 30 1942

Murray A. Steele

Clerk DeKalb Circuit Court

BE IT FURTHER REMEMBERED that summons was issued upon said complaint which said summons was by the Sheriff DeKalb, Allen, LaGrange Marion County returned and is in the words and figures following words and figures to-wit:-

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT
of
State of Indiana, to the Sheriff/DeKalb County, Greeting:

You are hereby commanded to summon Ethel Wineland
St. Joe, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons make
due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson

William N. Ballou

Attorney for Plaintiff.

SHERIFF'S RETURN:

This writ came to hand June 25, 1941, and I served the same by
reading to and within the hearing of Ethel Wineland this 2nd day of
July 1941.

Artus Coyle
Sheriff DeKalb County, Indiana

Total Sheriff's Fees: \$2.85

Clerk's Office

FILED

JUL 7 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss: SUPERIOR COURT

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Oma Chaney Beck
Indianapolis, Indiana
to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons
make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou

Attorney for Plaintiff.

Came to hand
1941 Jun 25 AM 11:20

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Grate Cope
Indianapolis, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons
make due return.

Witness, the Clerk of said Court, and the seal
thereof, this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson

William N. Ballou

Attorney for Plaintiff.

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

Came to Hand
1941 Jun 25 AM 11:20

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Jane Beck
2604 Brookway
Indianapolis, Ind.

to appear in Superior Court of Allen County, State of Indiana, on the 1st day of October, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 1st day of October, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

William N. Ballou
Attorney for Plaintiff.

SHERIFF'S RETURN:

Oct 2-1941 and I have made diligent search, and fail to find any
of the within named defendants within my bailiwick, Jane
Beck

Al Feeney, Sheriff of Marion County, Ind.

Per O Brien Deputy

Total Sheriff's Fees: \$2.00

Clerk's Office

FILED

OCT-7 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele

Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of Allen County, Greeting:

You are hereby commanded to summon Ilene Chaney to appear in Superior Court of Allen County, State of Indiana, on the 21st day of July, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof, this
24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou
Attorney for Plaintiff.

SHERIFF'S RETURN:

This writ came to hand June 24, 1941, and I served the same by reading to and within the hearing of Ilene Chaney this 25 day of June, 1941.

Walter A. Felger

Sheriff Allen County, Indiana

SHERIFF'S FEES:

Total \$1.45

Clerk's Office

F I L E D

JUL 8 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele

Clerk DeKalb Circuit Court

SUMMONS

SUPERIOR COURT

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Jane Chaney
Indianapolis, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons
make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson

William N. Ballou
Attorney for Plaintiff.

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of DeKalb County, Greeting:

You are hereby commanded to summon Philip Chaney
Spencerville, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons
make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou
Attorney for Plaintiff

Note attached says: Philip Chaney lives with his son Roy Chaney
on the Allen-DeKalb County line in Allen
County, south of Spencerville.

SHERIFF'S RETURN:

This writ came to hand June 25, 1941. The within named Philip Chaney
not found in my bailiwick this 2nd day of July, 1941.

Artus Coyle
Sheriff DeKalb County, Indiana

Clerk's Office

FILED

JUL 7 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

SUPERIOR COURT

State of Indiana, Allen County, ss:

State of Indiana, to the Sheriff of DeKalb County, Greeting:

You are hereby commanded to summon Gail Rugman
Auburn, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the 21st day of July, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof, this
24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou
Attorney for Plaintiff

SHERIFF'S RETURN:

This writ came to hand June 25, 1941, and I served the same by reading to and within the hearing of Gail Rugman this 2nd day of July 1941.

Artus Coyle
Sheriff DeKalb County, Indiana.

Sheriff's Fees: \$1.05

Clerk's Office
Filed
Jul 7 1941
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss:

State of Indiana, to the Sheriff of Allen County, Greeting:

You are hereby commanded to summon Augustine Chaney to appear in Superior Court of Allen County, State of Indiana, on the 21st day of July, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Edgar W. Atkinson
William N. Ballou

Attorney for Plaintiff

Dorothy Gardner, Clerk

SHERIFF'S OFFICE
RECEIVED
JUN 24 1941
Walter A. Felger
Sheriff

SHERIFF'S RETURN:

"His writ came to hand June 24, 1941, and I served the same by leaving true and certified copies at 1646 Sinclair St., the last and usual places of residence of each of the within named Augustine Chaney this the 25 day of June 1941.

Walter A. Felger
Sheriff Allen County, Indiana.

Sheriff's Fees: \$1.45

Clerk's Office

FILED

JUL 8 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Oma Chaney Beck
2604 Brookway
Indianapolis, Ind.

to appear in Superior Court of Allen County, State of Indiana, on the 15th day of October, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 1st day of October, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

William N. Ballou
Attorney for Plaintiff

and I have made diligent search and fail to find any of the within named defendants within my bailiwick, Oma Chaney Beck.

Oct 2-1941

Al Feeney Sheriff of Marion County,
Ind.

Per O'Brien Deputy

Total Sheriff's Fees: \$2.00

Clerk's Office
FILED
OCT - 7 1941
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss:

SUPERIOR COURT

State of Indiana, to the Sheriff of LaGrange County, Greeting:

You are hereby commanded to summon Morris Scott Andrews
Topeka, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the
21st day of July, 1941, at the Court House, in the City of Fort Wayne,
Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert
in an action of quiet title suit demanding \$_____ and of this summons
make due return.

Witness, the Clerk of said Court, and the seal thereof,
this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou
Attorney for Plaintiff

SHERIFF'S RETURN:

This writ came to hand June 25th, 1941, and I served the same by
leaving true and certified copies at Topeka, Indiana/^{St.}, the last and
usual place of residence of each of the within named Morris Scott Andrews
this the 9th day of July, 1941.

Total Sheriff's Fees: \$3.05

Sheriff LaGrange County

Clerk's Office

FILED

JUL 14 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele

Clerk DeKalb Circuit Court

SUMMONS

State of Indiana, Allen County, ss: SUPERIOR COURT

State of Indiana, to the Sheriff of DeKalb County, Greeting:

You are hereby commanded to summon William J. Scott
Auburn, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the 21st day of July, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof, this
24th day of June, A.D., 1941.

(SEAL) Dorothy Gardner, Clerk

Edgar W. Atkinson
William N. Ballou
Attorney for Plaintiff

SHERIFF'S RETURN:

This writ came to hand June 25, 1941, and I served the same by leaving true and certified copies at _____ St., the last and usual places of residence of each of the within named William J. Scott this the 2nd day of July, 1941.

Artus Coyle
Sheriff DeKalb County, Indiana

Sheriff's Fees; Total \$1.05

Clerk's Office
FILED

JUL 7 1941
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

BE IT FURTHER REMEMBERED that afterwards to-wit on the 24th day of June, 1941 the same being the 68th Judicial day of the April Term of said Court, before the Honorable Edward W. Meyers, Judge of said Court, the following proceedings were had in said cause.

Comes now the plaintiff and files affidavit of non-residence of defendants named in affidavit, which affidavit is in the following words and figures to-wit:-

STATE OF INDIANA :
COUNTY OF ALLEN : SS IN THE SUPERIOR COURT OF ALLEN COUNTY

LESTER RUPPERT :
NINA RUPPERT :

-vs-

DAVID C. JUDSON, et al :

AFFIDAVIT OF NON-RESIDENCE

Edgar W. Atkinson being duly sworn upon his oath, says that he is one of the attorneys for the plaintiff in the above entitled cause; that the defendants, David C. Judson, _____ Judson, wife or widow of David C. Judson, whose true Christian name is to the plaintiffs, unknown, _____ Brown, wife or widow of Henry Brown, whose true Christian name is to the plaintiffs unknown, Eleanor M. Post, Jacob Surfus, _____ Myers, wife or widow of Daniel Myers, whose true Christian name is to the plaintiffs unknown, Melvin H. Chaney, and Ruth Hamman, are each and all joined as parties defendant in the above entitled cause of action; that the names are unknown to plaintiffs and to this affiant of each and all of the defendants to this action except as herein stated and upon diligent inquiry such names cannot be ascertained except as herein stated; that the residences of each and all of said defendants whose names are stated are each and all unknown and upon diligent inquiry cannot be ascertained; that each and all of the defendants whose names are not stated herein are each and all believed to be non-residents of the state of Indiana; that the names of each and all of the defendants whose names are not stated herein are each and all unknown to the plaintiffs

and to this affiant and upon diligent inquiry such names cannot be ascertained; that the said cause of action is brought to try and quiet and determine the title to real estate situated in Allen County in the State of Indiana and particularly described in plaintiffs' complaint in this action and that a cause of action exists in favor of said plaintiffs against each and all of said defendants and that they are each and all necessary parties to said action.

Edgar W. Atkinson

Subscribed and sworn to before me, a Notary Public, this
12th day of June, 1941.

(SEAL)

Alice E. Schwartz
Notary Public

My Commission Expires:
April 5, 1944.

Clerk's Office
FILED
JUN 24 1941
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

and in fee simple as against any and all persons whomsoever and as against the interest in said real estate asserted by said defendants and that their purpose is to quiet title to said real estate as against each of said defendants and as against the world.

Edgar W. Atkinson

Subscribed and sworn to before me, a Notary Public, this
12th day of June, 1941.

(SEAL)

Alice E. Schwartz
Notary Public

My commission expires:

April 5, 1944

Clerk's Office
FILED
JUN 24 1941
Dorothy Gardner
Clerk

And afterwards to-wit on the 19th day of July, 1941 the following proceedings were had in said cause.

Comes now Otto Grant Jr. and appears specially for the defendants Ilene Chaney and Augustine Chaney.

And afterwards to-wit on the 21st day of July, 1941 the following proceedings were had in said cause.

Come now Ethel Wineland, Gail Rugman, William J. Scott and Guy Kope and appear personally.

And afterwards to-wit on the 1st day of October, 1941 the following proceedings were had in said cause.

Comes now the plaintiff, and on motion of the plaintiffs alias writ is now by the Court ordered to the Sheriff of Marion County for the defendants Jane Beck and Oma Chaney Beck. Said alias writ returnable October 15th, 1941.

And afterwards to-wit on the 18th day of November, 1941 the following proceedings were had in said cause.

Comes now the plaintiff, and on motion of said plaintiff alias writ is now by the Court ordered issued to the Sheriff of Marion County, Indiana, for the defendants Jane Beck and Oma Chaney Beck. Said writ returnable December 5, 1941.

And afterwards to-wit on the 4th day of December, 1941, the following proceedings were had in said cause.

Comes now Otto E. Grant, Jr. and appears for the defendants Oma Chaney Beck, Jane Chaney and Ruth Hamman.

And afterwards to-wit on the 22nd day of December, 1941, the following proceedings were had in said cause.

Come now Husselman & Husselman, of Auburn Indiana, and appear for the defendants Ethel Wineland, Gale Rugman, William J. Scott, and Guy Cope.

And afterwards to-wit on the 9th day of January, 1942 the following proceedings were had in said cause.

Come now the defendants Ilene Chaney, Augustine Chaney, Oma Chaney, Beck, Oma Chaney Beck Guardian of Jane Chaney, a minor, and Ruth Hammond and file answer and cross-complaint, which answer and cross-complaint is in the

following words and figures to-wit:-

STATE OF INDIANA)
) SS
ALLEN COUNTY)

IN THE SUPERIOR COURT OF ALLEN COUNTY
#56554

LESTER RUPPERT,)
NINA RUPPERT,)
)
)
)
)
DAVID C. JUDSON, ET AL.)

-VS-

ANSWER

Come now Ilene Chaney, Augustine Chaney, Oma Chaney Beck,
Oma Chaney Beck guardian of Jane Chaney a minor, and Ruth Hamman,
defendants herein, and for answer to plaintiffs' complaint
separately and severally say that they deny the allegations contained
in plaintiffs' complaint.

Otto E. Grant, Jr.
Attorney for Ilene Chaney,
Augustine Chaney, Oma Chaney
Beck, Oma Chaney Beck guardian
of Jane Chaney a minor, and
Ruth Hamman.

SUPERIOR COURT OF ALLEN COUNTY
FILED

JAN 9 1942
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk De-alb Circuit Court

STATE OF INDIANA)
ALLEN COUNTY)

IN THE SUPERIOR COURT OF ALLEN COUNTY
#56554

SS

LESTER RUPPERT,
NINA RUPPERT,

-VS-

CROSS COMPLAINT

DAVID C. JUDSON, ET AL.)

Come now Ilene Chaney, Augustine Chaney, Oma Chaney Beck, Oma Chaney Beck guardian of Jane Chaney a minor, and Ruth Hamman, defendants herein, and complaint of plaintiffs, and say that these defendants are owners of the following described real estate in Allen County, State of Indiana, to-wit:

That part of Section 3 and 4, Township 32 North, Range 14 East, described as follows: Commencing at the Northwest corner of the Southeast quarter of Section 4 in Township 32 North of Range 14 East; thence East on the half section line 198 rods to the center of the road known as the Fort Wayne road; thence in a Southwesterly course in the center of said road 67.6 rods; thence West 181 rods to the center section line; thence North $65\frac{1}{2}$ rods to the place of beginning, containing 77 acres of land,

That these defendants are the owners of said real estate in the following undivided proportions, to-wit:

Ilene Chaney, one-ninth (1/9);
Augustine Chaney, one-ninth (1/9);
Oma Chaney Beck, one-eighteenth (1/18);
Jane Chaney, one-eighteenth (1/18);
Ruth Hamman, one-ninth (1/9).

That the plaintiffs are claiming an interest in said land and are asserting and are attempting to assert and claim title to the same and which said interest so claimed by plaintiffs is adverse to the claim and title to said real estate of these defendants; that the claim of plaintiffs is unfounded and without right and is a cloud upon the title to said real estate of these defendants.

WHEREFORE these defendants sue and ask that their title be quieted and forever set at rest against any and all claims of plaintiffs, and for all other proper relief.

Otto E. Grant, Jr.

Attorney for Ilene Chaney, Augustine Chaney, Oma Chaney Beck, Oma Chaney Beck guardian of Jane Chaney a minor, and Ruth Hamman.
SUPERIOR COURT FILED JAN 9 1942
OF ALLEN COUNTY FILED JAN 9 1942
Dorothy Gardner Clerk
steele, Clerk Dekalb Circuit Court

And afterwards to-wit on the 13th day of January, 1942, the following proceedings were had in said cause.

Come now the plaintiff and file affidavit for change of Venue from County, which affidavit is in the following words and figures to-wit:-

STATE OF INDIANA SS
COUNTY OF ALLEN

CAUSE #56554

IN THE SUPERIOR COURT OF ALLEN COUNTY.

LESTER RUPPERT, et al. :

 :

-vs-

AFFIDAVIT

DAVID C. JUDSON, et al. :

WILLIAM N. BALLOU, being duly sworn upon his oath, says he is the attorney in the above entitled cause of action; that he makes this affidavit for and in behalf of plaintiff; that the action is a cause to Quiet Title of real estate in Allen County.

That the same question involved in this cause, is also involved in several pieces of real estate in DeKalb County, Indiana; and that similar cause of action is also filed in DeKalb County as to the real estate situated in that county.

That for convenience of parties and witnesses, the ends of Justice would be promoted by change of venue of this cause to DeKalb County so that the causes might be consolidated and tried as one cause or settled; and that propositions of settlement are pending, but is is difficult to handle them separately.

WHEREFORE, the defendant prays the court that this cause of action may be transferred from Allen County to DeKalb County, Indiana.

William N. Ballou
Attorney for Defendant

Subscribed and sworn to before me, a Notary Public in and for said County and state this 13 day of January, 1942.

(SEAL)

Dorothy Gardner, Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

Said affidavit is now by the Court granted and by agreement of parties the venue of this cause is now by the Court changed to De^{alb} County, and ten days given to complete change.

- - - - -

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

I, Dorothy Gardner, Clerk of the Allen Circuit Court and Ex-officio Clerk of the Superior Courts of Allen County, State of Indiana, hereby certify that the above and foregoing is a full true and complete transcript of the entries made in the cause of Lester Ruppert, et al VS David C. Judson pending in said Court.

With the papers herewith forwarded are all the papers filed in said cause and on file therin in my office as follows:

Complaint
Summons (11)
Affidavit of Non-Residence
Statutory Affidavit
Affidavit for Change of Venue
New Sentinel Publication (Proof)

I do further certify that costs, due, owing and unpaid in the above entitled cause of action amount to \$41.25.

WITNESS my hand and seal of said Court on this 28th day of January, 1942.

(SEAL)

Change of Venue Pd by Plf. \$2.50
Court Costs 41.25

Clerk of the Allen Circuit Court and
Ex-officio Clerk of the Superior
Courts of Allen County, Indiana.

FILED
JAN 30 1942
Murray A. Steele
Clerk De^{alb} Circuit Court

Quiet Title

Dated: January 28, 1943

December Term 1942, DeKalb

Circuit Court of Indiana

Civil Order Book Vol. 69 pg. 184

19733

Lester Ruppert et al

vs

David C. Judson et al

Alias summons is now by the Court ordered fro the defendants Guy Cope and Melba Cope directed to the Sheriff of Steuben County returnable February 11th 1943.

Quiet Title

Dated: February 13, 1943

February Term 1943, DeKalb

Circuit Court of Indiana

Civil Order Book Vol. 69 pg. 197

19733

Lester Ruppert et al

vs

David C. Judson et al

Come now the plaintiffs herein by counsel and the Court finds that the defendants David C. Judson, - - - Judson, wife or widow of David C. Judson, whose true christian name is to plaintiffs unknown, Eleanor M. Post, Jacob Surfus, - - - Myers, wife or widow of Daniel Myers, whose true christian name is unknown to plaintiffs, Ruth Hamman, Melvin H. Chaney, The unknown husbands and wives and the unknown widow or widowers of each and all of the above named persons, respectively, The unknown heirs and the unknown devisees, legatees, grantess, assignees, executors, administrators, trustees, descendants, representatives, and successors in title or interest of or to any of the herein named or designated persons, respectively and the deceased widow or widower of any of the herein named and designated persons, all of the women once known by any of the names and designations above stated whose names may have been changed and who are now known by some other name or names,

all of whom are unknown to plaintiffs.

The spouses of all the persons above named, described and designated as defendants to this action who are married, the names of all of whom are unknown to plaintiffs.

All persons and corporations who assert or might assert any title claim or interest in or lien upon the real estate described in this complaint by, under or through any of the defendants to this action, the names of all of whom are unknown to plaintiffs, have each been duly notified of the pendency of this action by publication of such notice for three successive weeks, more than thirty days prior hereto and to the return day of the notice, in the Fort Wayne News Sentinel, a daily newspaper of general circulation, printed and published in Allen County, Indiana, which notice and the proof of publication thereof, are as follows, to-wit:

NOTICE TO NON-RESIDENTS
Cause No. 56554

State of Indiana, County of Allen: ss.

In the Superior Court of Allen County,

Lester Ruppert
Nina Ruppert

vs.

David C. Judson, et al

)
)
)
)

The plaintiffs in the above entitled cause having filed their complaint therein together with the affidavit of Edgar W. Atkinson that the defendants David C. Judson---Judson, wife or widow of David C. Judson, whose true Christian name is to the plaintiffs unknown, Eleanor M. Post, Jacob Surfus,--- Meyers, wife or widow of Daniel Meyers, whose true Christian name is to the plaintiffs unknown, Ruth Hamman, Melvin H. Chaney; the unknown husbands or wives and the unknown widow or widowers of each and all of the above named persons, respectively; the unknown heirs and the unknown devisees, legatees, grantees, assignees, executors, administrators, trustees, descendants representatives and successors in title or interest of or to any of the herein named or designated persons, respectively, and the deceased widow or widower of any of the herein named and designated persons;

all of the women once known by any of the names and designations above stated whose names may have been changed and who are now known by other names or name, all of whom are unknown to plaintiffs; the spouses of all of the persons above named, described and designated as defendants to this action who are married, the names of all of whom are unknown to the plaintiffs; all persons and corporations who assert or might assert any title, claim or interest in or lien upon the real estate described in this complaint by, under or through any of the defendants to this action, the names of whom are unknown to plaintiffs, are non residents of the state of Indiana or that their residence is unknown and it further appearing to the court that said cause of action is to try and determine the title to certain real estate situated in Allen County, Indiana which is described as follows, to-wit:

That Part of Section 3 and 4, Township 32 North, Range 14 East, described as follows: Commencing at the Northwest corner of the Southeast quarter of Section 4 in Township 32 North of Range 14 East, thence East on the half Section line 198 rods to the center of the road known as the Fort Wayne Road; thence a south westerly course in the center of said road 67.6 rods; thence West 181 rods to the half section line; thence North $65\frac{1}{2}$ rods to the place of beginning, containing 77 acres of land, be the same more or less.

Now Therefore, said defendants are hereby notified that unless they be and appear on the 4th day of September, 1941, in the Superior Court of Allen County, State of Indiana, to answer or demur to said complaint, the same will be heard and determined in their absence.

In Witness Whereof, I have hereunto set my hand and seal of said Court this 24th day of June, 1941.

DOROTHY GARDNER
Clerk, Allen Superior Court of Indiana.

Edgar W. Atkinson,
William N. Ballou,
Attorneys for Plaintiffs.

PROOF OF PUBLICATION

STATE OF INDIANA, ALLEN COUNTY, SS.

In the City of Fort Wayne, July 16th A.D. 1941

Personally appeared before the undersigned, Martha L. Branning, who, being duly sworn according to law, saith that she is the Secretary-Treasurer of

THE FORT WAYNE NEWS-SENTINEL,

a Daily Newspaper of general circulation, printed and published in said County and State, and that the notice herewith attached was published in the said Fort Wayne News-Sentinel in the daily edition for three times, the first publication being on the 25th day of June, 1941; the second on the 2nd day of July, 1941 and the third on the 9th day of July, 1941.

Martha L. Branning

Subscribed and Sworn To before me, this 16th day of July, 1941.

(SEAL)

Faye L. Lauderman
Notary Public.

My Commission expires March 7, 1944.

Clerk's Office

FILED

JUL 18 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

The Court further finds that the defendants, Ada F. White, Guy Cope and Melba Cope have each been duly served with process herein more than ten days prior hereto and to the return day of the writ as appears from the summons is sued herein and the sheriff's endorsement thereon, which summons and the endorsements thereon are in these words, to-wit:-

SUMMONS

SUPERIOR COURT

State of Indiana, Allen County, ss:

State of Indiana, to the Sheriff of DeKalb County, Greeting:

You are hereby commanded to summon Ada F. White, Auburn, Indiana to appear in Superior Court of Allen County, State of Indiana, on the 21st day of July, 1941, at the Court House, in the City of Fort Wayne, Indiana, to answer to the complaint of Lester Ruppert and Nina Ruppert in an action of quiet title suit demanding \$_____ and of this summons make due return.

Witness, the Clerk of said Court, and the seal thereof, this 24th day of June, A.D., 1941.

(SEAL)

Dorothy Gardner, Clerk

Edgar W. Atkinson

William N. Ballou
Attorney for Plaintiff

SHERIFF'S RETURN:

This writ came to hand June 25, 1941, and I served the same by reading to and within the hearing of Ada F. White this 2nd day of July 1941.

Artus Coyle
Sheriff DeKalb County, Indiana

Sheriff's Fees:
Total \$1.05

Clerk's Office
FILED
JUL 7 1941
Dorothy Gardner
Clerk

FILED
JAN 30 1942
Murray A. Steele
Clerk DeKalb Circuit Court

SUMMONS--TERM TIME CIRCUIT COURT

State of Indiana, DeKalb County, ss:

The State of Indiana, to the Sheriff of Steuben County-Greetings:

You are hereby commanded to summon Guy Cope, Melba Cope to appear in the DeKalb Circuit Court, before the Judge thereof, on the 11th day of February 1943, the same being the 10th Judicial day of the February 1943 term of said Court at the Court House in Auburn, in said County, to answer the complaint of Lester Ruppert et al
Action:- Quiet Title
and of this writ make due return.

Witness, Murray A. Steele, Clerk of said Court
and the seal thereof hereunto affixed at Auburn, this 28th day of January 1943.

(SEAL)

Murray A. Steele, Clerk

This writ came to hand this 29th day of January 1943

Served the same by reading to and within the hearing of each of the within named Guy Cope, Melba Cope this 29th day of January, 1943.

Russ Hershey, Sheriff

Sheriff's Fee
Total \$1.80

The Court further finds that the defendant Jane Chaney was duly served with process herein more than ten days prior hereto and to the return day of the writ as appears from the summons issued herein and the Sheriff's return thereon which summons and return are in these words, to-wit:-

ALIAS SUMMONS

SUPERIOR COURT

State of Indiana, Allen County, ss:

State of Indiana, to the Sheriff of Marion County, Greeting:

You are hereby commanded to summon Oma Chaney Beck
Jane Chaney

2305 Brookside Ave
Indianapolis, Indiana

to appear in Superior Court of Allen County, State of Indiana, on the 5 day
of December, 1941, at the Court House, in the City of Fort Wayne, Indiana,
to answer to the complaint of Lester Ruppert et al in an action of
Quiet title to Real Estate demanding \$_____ and of this summons make due
return.

Witness, the Clerk of said Court, and the seal thereof, this
18" day of November, A.D. 1941.

(SEAL)

Dorothy Gardner, Clerk

William N. Ballou
Attorney for Plaintiff

and served this writ by reading to and within the hearing of
Nov 21 1941 the within named Oma Chaney Beck and delivering to themh _____

true copy of the same.

Al Feeney Sheriff of Marion County, Ind.

Per McGlynn Deputy

Nov 21 1941 and served this writ by leaving a true copy of the same
at the last and usual place of residence of the within
named Jane Chaney.

Sheriff's Fees: Total \$1.90

Clerk's Office

FILED

NOV 26 1941

Dorothy Gardner
Clerk

FILED

JAN 30 1942

Murray A. Steele
Clerk DeKalb Circuit Court

Al Feeney Sheriff of Marion County, Ind.
Per McGlynn, Deputy

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

RECEIVED THE UNIVERSITY OF CHICAGO
JAN 10 1964

OFFICE OF THE DEAN
UNIVERSITY OF CHICAGO

TO THE DEAN, UNIVERSITY OF CHICAGO, FROM THE DIRECTOR, MUSEUM OF ART AND ARCHITECTURE

RE: MUSEUM OF ART AND ARCHITECTURE, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

DATE: JANUARY 10, 1964

TO: THE DEAN, UNIVERSITY OF CHICAGO, FROM THE DIRECTOR, MUSEUM OF ART AND ARCHITECTURE

RE: MUSEUM OF ART AND ARCHITECTURE, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

VERY TRULY YOURS,
[Signature]

THE UNIVERSITY OF CHICAGO, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO, 100 SOUTH EAST CHICAGO AVENUE, CHICAGO, ILLINOIS

100

It appearing to the court that the said Jane Chaney is a minor, and it further appearing that Oma Chaney Beck Guardian of said Jane Chaney has appeared on behalf of said defendant and has filed her answer to the complaint, no guardian ad litem is appointed for the said Jane Chaney.

Upon plaintiffs' motion each of the above named defendants is three times called in open court and come not but herein wholly make default.

Come now the defendants Ilene Chaney, Augustine Chaney, Oma Chaney Beck, Oma Chaney Beck, Guardian of Jane Chaney and Ruth Hamman by their attorney and withdraw their cross-complaint heretofore filed in this cause.

Come now the defendants, Ethel Wineland, Gale Rugman, William J. Scott and Morris Scott Anders by Husselman & Husselman, their attorneys and file answer in one paragraph, which answer is in these words, to-wit:-

This cause is now submitted to the court for trial without the intervention of a jury, and after hearing the evidence and being sufficiently advised in the premises the court finds for the plaintiff upon their complaint that the material allegations therein contained are true and proved; that the plaintiffs are the owners in fee-simple by the entirety of the following described real estate situate in Allen County, Indiana, to-wit:

That part of section three (3) and four (4), Township thirty two (32) North, Range fourteen (14) east, described as follows: Commencing at the Northwest Corner of the Southeast Quarter ($\frac{1}{4}$) of Section four (4) in said Township 32 North, Range 14 East, thence East on the half section line 198 rods to the center of the road known as the Fort Wayne Road, thence in a southwesterly course along the center of the road 67.6 rods; thence west 181 rods to the half section line; thence North 65.5 rods to the place of beginning, containing 77 acres of land, be the same more or less.

That the defendants, nor any of them have no right, title or interest therein and that the plaintiff is entitled to have his title thereto quieted as against each of the defendants.

The Court further finds that there are breaks and Hiatuses in the record title to said real estate and that there exists certain defects in said record title, which cast a cloud on the title thereto, and that the plaintiffs are entitled to have their title quieted as against the world.

It is therefore considered, adjudged and decreed by the court, that the plaintiffs, Lester Ruppert and Mina Ruppert are the owners in fee simple as tenants by the entirety of the following described real estate situate in Allen County, Indiana, to-wit:

That part of Section three (3) and Four (4), Township thirty-two (32) North, Range fourteen (14) east, described as follows: Commencing at the north-west corner of the South-east Quarter ($\frac{1}{4}$) of section Four (4), Township thirty-two (32) North, Range Fourteen (14) east, thence east on the half section line One Hundred Ninety-eight (198) rods; to the center of the road known as the Fort Wayne Road; thence in a south-westerly course in the center of said road Sixty-seven and six tenths (67.6) rods; thence west one Hundred Eighty one (181) rods to the half section line; thence north Sixty-

five and one half (65½) rods to the place of beginning, containing Seventy-seven (77) acres of land, be the same more or less; that the defendants, David C. Judson, - - - Judson, wife or widow of David C. Judson, whose true christian name is unknown to the plaintiffs; - - - Brown, wife or widow of Henry Brown, whose true christian name is unknown to the plaintiffs; Eleanor M. Post; Jacob Surfus; - - - Myers, wife or widow of Daniel Myers, whose true christian name is unknown to plaintiffs; Ruth Hamman; Melvin H. Chaney; The unknown husbands and wives, and the unknown widow or widowers of each and all of the above named persons respectively. The unknown heirs and the unknown devisees, legatees, grantees, assignees and executors, administrators, trustees, descendants, representatives, and successors in title and interest of or to any of the herein named or designated persons respectively and the deceased widow or widower of any of the herein named and designated persons.

All of the women once known by any of the names and designations above stated, whose names may have been changed and who are now known by some other name or names, all of whom are unknown to the plaintiffs.

The spouses of all of the persons above named, described and designated as defendants to this action who are married, the names of all of whom are unknown to plaintiffs.

All persons and corporations who assert or might assert any title claim or interest in or lien upon the real estate described herein, by under or through any of the defendants to this action, the names of all of whom are unknown to the plaintiffs.

Ada F. White, Ilene Chaney, Augustine Chaney, Oma Chaney Beck, Jane Chaney, Ethel Wineland, Gale Rugman, William J. Scott, Morris Scott Anders, Guy Cope and Melba Cope, have no right, title or interest therein and that the plaintiff(s) title thereto be quieted, and that the same is hereby quieted as against each and all of the said defendants.

It is further adjudged and decreed by the court that the said plaintiffs' title to said real estate be quieted against all persons whomsoever and as against the world.

It is further adjudged and decreed by the court that the plaintiffs pay the costs herein made and taxed at \$_____.

CERTIFICATE

We hereby certify that the within and foregoing pages numbered 24 to 60 inclusive contains a full, true and correct transcript of all record entries and papers on file in the office of the Clerk of the DeKalb Circuit Court of Indiana in an action to quiet title to real estate entitled Lester Ruppert et al vs David C. Judson et al being Civil Cause Number 19733 in said court.

Dated this 27th day of May 1943.

DeKalb Abstract & Title Co.

By *Robert H. Hunsicker*
President.

HECKMAN
BINDERY, INC.
Bound-To-Pleasure

JUNE 01

N. MANCHESTER, INDIANA 46962

